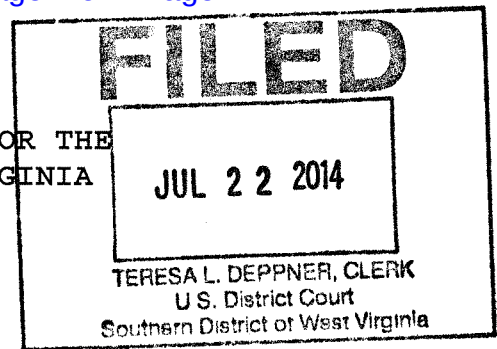


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:14-00158

16 U.S.C. § 3372(a)(2)(A)

16 U.S.C. § 3373(d)(2)

THOMAS PEPIN

also known as "Timmy Stark"

I N F O R M A T I O N

The United States Attorney charges:

(Unlawful Transport and Sale of Wildlife)

Background

At all relevant times:

1. Defendant THOMAS PEPIN was a resident of Ravenswood, Jackson County, West Virginia.
2. Eastern Box Turtles were a species of reptile native to West Virginia.
3. It was unlawful under the laws of the State of West Virginia to possess any wildlife, including reptiles, that had been illegally taken, killed, or obtained. W. Va. Code § 20-2-
4. Furthermore, it was unlawful under the laws of the State of West Virginia for any person to transport, or to possess with the intent of transporting, beyond the limits of the State, any species of wildlife taken, captured, or caught within the State,

except under certain licensed or lawful conditions. W. Va. Code § 20-2-12.

4. It was also unlawful under the laws of the State of West Virginia to take or attempt to take from the wild, or to possess for commercial purposes, or to sell, offer to sell, or to transport out of West Virginia for commercial purposes, any species of wildlife native to West Virginia. W. Va. Code R. §§ 58-63-7.1 and 58-63-8.1.

5. The Lacey Act, 16 U.S.C. §§ 3371-3378, made it unlawful under federal law for a person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any wildlife that was taken, possessed, transported, or sold in violation of any law or regulation of any State.

Pepin Unlawfully Took, Possessed
and Sold Eastern Box Turtles

6. From in or about July 2012 through in or about September 2013, and in violation of West Virginia law, defendant THOMAS PEPIN sold, offered to sell, transported, and possessed with the intent of transporting, beyond the limits of West Virginia and for commercial purposes, Eastern Box Turtles. During this period, defendant THOMAS PEPIN engaged in this unlawful conduct as follows:

- a. He hunted and captured Eastern Box Turtles in and around his residence in Ravenswood, Jackson County, West Virginia, with the intent and for the purpose of selling the Turtles;
- b. He offered for sale and did in fact sell, over the internet and communicating by e-mail using the alias "Timmy Stark," the Eastern Box Turtles that he had captured.
- c. He sold the Eastern Box Turtles to numerous customers outside of West Virginia;
- d. He sold approximately 300 Eastern Box Turtles to out-of-state customers;
- e. He did not have a permit or license to engage in commercial transactions of Eastern Box Turtles;

The Lacey Act Violation

7. From on or about June 17, 2013, through on or about June 19, 2013, in and around Ravenswood, Jackson County, West Virginia, in the Southern District of West Virginia and elsewhere, defendant THOMAS PEPIN knowingly engaged in conduct to transport and sell in interstate commerce wildlife, that is, Eastern Box Turtles, which had been taken and possessed in violation of a law and regulation of the State of West Virginia.

8. At the time, defendant THOMAS PEPIN, in the exercise of due care, should have known that the Eastern Box Turtles had

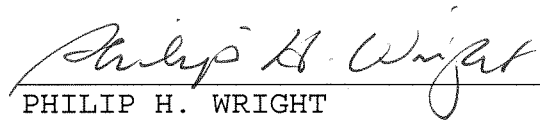
been taken and possessed in violation of and in a manner unlawful under any underlying law.

In violation of Title 16, United States Code, Sections 3372(a)(2)(A) and 3372(d)(2).

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II
United States Attorney

By:



PHILIP H. WRIGHT
Assistant United States Attorney